

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Civil Action No. 2:14-cv-00029-AB

Plaintiffs,

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**CONSENT MOTION OF THE FANECA OBJECTORS
FOR AWARD OF ATTORNEYS' FEES**

Pursuant to Fed R. Civ. P. 23(h), the Faneca Objectors, with the support of Class Counsel Christopher A. Seeger, hereby request that the Court award to MoloLamken LLP and Hangley Aronchick Segal Pudlin & Schiller, counsel for the Faneca Objectors, attorneys' fees in the amount of \$2.1 million.

1. Class Counsel labored hard and skillfully to reach a settlement described in the proceedings before this Court and in the media as "historic." It delivers over \$1 billion in much needed financial and medical relief for retired NFL players suffering neurocognitive decline as a result of concussions suffered during their NFL careers. Through their tenacious advocacy, the Faneca Objectors helped improve certain aspects of the settlement.

2. As the Court is aware, on May 7, 2020, the Third Circuit remanded to this Court for further consideration the matter of an appropriate fee award to the Faneca Objectors for their work on behalf of the class. *In re Nat'l Football League Players' Concussion Injury Litig.*, 814 F. App'x 678, 685 (3d Cir. 2020); *see* ECF No. 11099 (Third Circuit's Mandate). The appropriate fee for the Faneca Objectors has been the subject of extensive submissions and arguments to this Court. *See, e.g.*, ECF Nos. 7070, 7464, 8447, 8726, 10134.

3. Since the Third Circuit's remand order, counsel for the Faneca Objectors and Class Counsel have engaged in extensive negotiations in an effort to reach compromise on a fee award. Those efforts occurred under the supervision and with the assistance of a highly respected and experienced mediator, the Honorable Diane M. Welsh, a retired magistrate judge who served in this District.

4. The mediator reviewed the voluminous record – in this Court and the Third Circuit – concerning the Faneca Objectors' fee request, as well as supplemental submissions concerning the Faneca Objectors' and Class Counsel's respective positions. Ultimately, through the efforts of the mediator, a compromise was reached whereby the Faneca Objectors will be paid, with this Court's approval, a fee of \$2.1 million. That fee will be inclusive of the amount that the Court initially awarded.

5. A \$2.1 million attorneys' fee to compensate the efforts of Faneca Objectors' counsel is fair to the class given the substantial time and effort expended by the Faneca Objectors “in providing benefits to the class.” ECF No. 10019 at 23.

6. For those reasons, counsel for the Faneca Objectors respectfully request that the Court award the Faneca Objectors' counsel \$2.1 million in attorneys' fees for their service to the class.

7. Class Counsel has reviewed this motion and supports this application.

Dated: September 4, 2020

Respectfully submitted,

/s/ Steven F. Molo

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Counsel for the Faneca Objectors

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2020, I caused the foregoing Consent Motion of the Faneca Objectors for Award of Attorneys' Fees to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel and parties.

/s/ Steven F. Molo

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[proposed] ORDER

And now, this ____ day of _____, 2020, it is **ORDERED** that the Consent Motion of the Faneca Objectors is **GRANTED**, and the Faneca Objectors' counsel are awarded, pursuant to Fed. R. Civ. P. 23(h), attorneys' fees in the amount of \$2,100,000.00.

It is further **ORDERED** that the Administrator of the Attorneys' Fees Qualified Settlement Fund ("AFQSF") shall pay counsel for the Faneca Objectors the amount of \$2,100,000.00 from the AFQSF.

It is further **ORDERED** that MoloLamken LLP and Hangley Aronchick Segal Pudlin & Schiller shall cooperate with the Administrator of the AFQSF to effectuate this Order.

Anita B. Brody.
United States District Judge